

**Application No. 10/576,969**

**Amendment dated April 29, 2008**

**Reply to Office Action of December 11, 2007**

### **REMARKS/ARGUMENTS**

This amendment is submitted under 37 C.F.R. § 1.111 in response to the Office Action of December 11, 2007. Reconsideration of this application is respectfully requested.

Claims 11-20 are pending in the application with claims 11-19 having been currently amended and claims 1-10 having been canceled.

Claims 13-16 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, according to the Examiner:

"Claims 13 and 16 are incomplete in that the claim does not make a fungicidal compound (c) clear.

Claims 14 and 15 recite the limitation "the additional fungicidal" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim."

Claim 13 has been amended to recite, "...an additional fungicidal compound (C)."

Claim 14 has been amended to recite, "The composition of claim 13 wherein the additional fungicidal compound (C) ...".

Claim 15 has been amended to recite, "The composition of claim 14 wherein the additional fungicidal compound (C) ...".

Claim 16 has been amended to recite, "The composition of claim 13 wherein the additional fungicidal compound (C) ...".

**Application No. 10/576,969**

**Amendment dated April 29, 2008**

**Reply to Office Action of December 11, 2007**

It is respectfully submitted that these claims, as amended, particularly point out and distinctly claim the subject matter that the Applicants regard as the invention, and that those skilled in the art would fully comprehend their scope and meaning.

Accordingly, it is requested that the rejection of claims 13-16 under 35 U.S.C. 112, second paragraph, be withdrawn.

Claims 1-9 and 11-19 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Mercer et al. (WO 03/034824; 5/1/03) and The Agrochemicals Handbook, 3<sup>rd</sup> edition, A0400, August 1991.

Claims 1-9 have been canceled.

Claim 10 has been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 10 was directly dependent upon claim 1. New claim 20 is, thus, former claim 10, which has now been canceled, rewritten in independent form including all of the limitations of former claim 1, also canceled. It is thus submitted that new claim 20 is in condition for allowance. Further, claims 11-19 have all been amended so as to be dependent, directly or indirectly, upon claim 20 and are therefore also in condition for allowance.

Accordingly it is requested that the rejection of claims 1-9 and 11-19 under 35 U.S.C. § 103(a) as being unpatentable over Mercer et al. and The Agrochemicals Handbook, 3<sup>rd</sup> edition, A0400, August 1991, be withdrawn.

**Application No. 10/576,969**  
**Amendment dated April 29, 2008**  
**Reply to Office Action of December 11, 2007**

In view of the foregoing, it is submitted that this application is now in condition for allowance and an early Office Action to that end is earnestly solicited.

Respectfully submitted,



---

Paul Grandinetti  
Registration No. 30,754  
OSTROLENK, FABER, GERB & SOFFEN, LLP  
1180 Avenue of the Americas  
New York, New York 10036-8403  
Telephone (212) 382-0700